

R E M A R K S

A. INTRODUCTION

Claims 1-34 are pending and rejected.

Upon entry of this Amendment:

- Claims 1-34 will be pending
- Claims 1, 4, 5, 25, 33 and 34 will be amended
- Claims 1, 4, 5, 23, 24, 25, 33 and 34 will be the only independent claims

B. REQUEST FOR CONTINUED EXAMINATION

This paper is being filed in response to an Office Action mailed July 10, 2008. A Request for Continued Examination (RCE), along with the appropriate fee, is being filed concurrently to ensure consideration of these remarks.

C. SECTION 103(A) REJECTIONS

Claims 1-26 and 34 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chu (U.S. Patent Publication No. 2004/0148221), Philyaw (U.S. Patent No. 6,631,404) and Auxier (U.S. Patent No. 5,009,429). Claims 27-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chu, Philyaw, Auxier and Von Kohorn (U.S. Patent No. 5,697,844).

Applicants respectfully traverse the Examiner's Section 103(a) rejection.

However, solely for business reasons and in order to expedite allowance of a desirable embodiment, each of the pending independent claims (Claims 1, 4, 5, 23, 24, 25, 33 and 34) has been amended in order to recite limitations that generally provide game play to involve the providing to a user or player of a first question about an entitlement or prize selected by the player (e.g., to play for), and a second question about an entitlement that was not selected by the player. Some embodiments, as described in the Specification, provide advantageously for game play that involves, for example, questions and other game elements related to entitlements or prizes that may be selected, prior to game play, by a user or player. In some embodiments, questions (e.g., pricing-related questions) may be asked about entitlements or prizes that the player did not elect to play for prior to initiating the game.

No combination of the references appears to provide for all of the features of any of the pending claims. For at least this reason, Applicants respectfully request

the Examiner's reconsideration of the Section 103(a) rejections and allowance of the pending claims.

D. ADDITIONAL COMMENTS

Our silence with respect to the Examiner's other various assertions not explicitly addressed in this paper, including assertions of what the cited reference(s) teach or suggest, the Examiner's interpretation of claimed subject matter or the Specification, or the propriety of any asserted combination(s) of teachings, is not to be understood as agreement with the Examiner. As the Examiner has not established an un rebuttable prima facie case for rejecting any of the claims as pending, for at least the reasons stated in this paper, we need not address all of the Examiner's assertions at this time. Also, the absence of arguments for patentability other than those presented in this paper should not be construed as either a disclaimer of such arguments or as an indication that such arguments are not believed to be meritorious.

E. PETITION FOR EXTENSION OF TIME TO RESPOND & AUTHORIZATION TO CHARGE APPROPRIATE FEES

We understand that a three-month extension of time to respond to the Office Action is necessary.

Please grant a petition for any extension of time required to make this Response timely. Please also charge any other appropriate fees set forth in 37 C.F.R. §§ 1.16 – 1.18 for this paper and for any accompanying papers to:

Charge: \$1110.00

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F. CONCLUSION

It is submitted that all of the claims are in condition for allowance. The Examiner's consideration is respectfully requested.

If the Examiner has any questions regarding this paper or the present application, the Examiner is cordially requested to contact Michael Downs at telephone number (203) 461-7292 or via electronic mail at mdowns@walkerdigital.com.

Respectfully submitted,

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Date

/Michael Downs 50252/
Michael Downs
Attorney for Applicants
Registration No. 50,252
mdowns@walkerdigital.com
(203) 461-7292 /voice
(203) 461-7300 /fax